

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ELIEZER HERNANDEZ,  
a/k/a "Macho," and  
HENRY JONES,  
a/k/a "T.J.,"

Defendants.

INDICTMENT

08 Cr.

574

COUNT ONE

The Grand Jury charges:

1. In or about May 2008, in the Southern District of New York and elsewhere, ELIEZER HERNANDEZ, a/k/a "Macho," and HENRY JONES, a/k/a "T.J.," the defendants, together with others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, HERNANDEZ and JONES agreed with others to commit an armed robbery of individuals in an apartment in the Bronx, New York, which they believed contained narcotics.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

3. In or about May 2008, in the Southern District of New York and elsewhere, ELIEZER HERNANDEZ, a/k/a "Macho," and HENRY JONES, a/k/a "T.J.," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated and agreed together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of this conspiracy that ELIEZER HERNANDEZ, a/k/a "Macho," and HENRY JONES, a/k/a "T.J.," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

Overt Act

5. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about May 22, 2008, ELIEZER HERNANDEZ, a/k/a "Macho," and HENRY JONES, a/k/a "T.J.," the defendants, drove in a brown Buick to an apartment building in the vicinity of White Plains Road in the Bronx, New York, where they believed the cocaine

was located.

(Title 21, United States Code, Section 846.)

COUNT THREE

The Grand Jury further charges:

6. In or about May 2008, in the Southern District of New York, ELIEZER HERNANDEZ, a/k/a "Macho," and HENRY JONES, a/k/a "T.J.," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence and a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the offenses charged in Counts One and Two of this Indictment, did use and carry a firearm, and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, to wit, a loaded .38 caliber Smith & Wesson revolver, which the defendants carried and possessed in the vicinity of White Plains Road, Bronx, New York.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

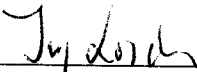
COUNT FOUR

The Grand Jury further charges:

7. On or about May 22, 2008, in the Southern District of New York, ELIEZER HERNANDEZ, a/k/a "Macho," the defendant, unlawfully, willfully, and knowingly, after having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about June 7, 2006, in New York Supreme Court, Bronx County, of Criminal Possession of Marijuana in the

Second Degree, in violation of New York Penal Law 221.21, a Class D Felony, did possess in and affecting commerce, a firearm and ammunition, to wit, a Smith & Wesson .38 caliber handgun loaded with six Smith & Wesson .38 caliber bullets, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Section 922(g)(1).)

  
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FOREPERSON

  
\_\_\_\_\_  
MICHAEL J. GARCIA JR  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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**Defendant.**

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**INDICTMENT**

08 Cr.

21 U.S.C. Section 846, 18 U.S.C. Sections 2, 922(g), 924(c),  
and 1951

MICHAEL J. GARCIA  
United States Attorney.

**A TRUE BILL**

*Jim Linder*

Foreperson.

6-23-08 Filed Indictment.  
NJ  
Stem

Case assigned to Judge  
Pitman  
U.S.M.J.